

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-16030-2015

Date of decision:- 05.11.2015

M/s Tiwana Aviation and others

...Petitioners

Versus

Bharat Petroleum Corporation Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. P.P.S. Thethi, Advocate,
for the petitioners.

Mr. Raman Sharma, Advocate,
for the respondent.

* * * *

S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioners have filed this petition contending that they had been orally informed by the respondent that they would not be issued an LoI pursuant to their applications. The applications were made by the petitioners in accordance with a notice inviting e-tenders for the transportation of BPCL packed LPG cylinders. Clause 6 of the general terms and conditions of the tender in so far as it is relevant reads as under:-

“Proposed Category:

The prospective transporters who wish to enter into transportation job of LPG cylinder and presently do not own any truck at the time of floating of the tender can participate in the tender under ‘Proposed Category’ with the following conditions:-

Within 45 days of issuance of LoI, they will own a truck and produce the same for physical verification.”

2. The petitioners were informed that they would not be issued an LoI as the respondent had pursuant to its own investigations found that they did not own trucks and, therefore, would not be able to produce the same for physical verification as required by the above provision. The respondent has not taken a decision as yet. There is no reason to believe that the respondent would refuse to issue an LoI contrary to the above clause. It was not necessary for the petitioners, who fall within the said category, namely, 'Proposed Category' to own a truck prior to the issuance of the LoI. It is sufficient if they own the same and are able to produce the same for physical verification within 45 days of the issuance of the LoI.
3. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

05.11.2015
Amodh